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Lustenader, Matthew Miller, Shlomo Rakib, Doug  
Sabella, Christopher Schaepe, Mark Slaven, Lewis  
Solomon, Howard W. Speaks, Arthur T. Taylor, and  
David Woodrow

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ADRIAN MONGELI, Individually, And On )  
Behalf Of All Others Similarly Situated, )

Plaintiffs, )

v. )

TERAYON COMMUNICATION SYSTEMS, )  
INC., ZAKI RAKIB, JERRY D. CHASE, )  
MARK A. RICHMAN, EDWARD LOPEZ, )  
RAY FRITZ, CAROL LUSTENADER, )  
MATTHEW MILLER, SHLOMO RAKIB, )  
DOUG SABELLA, CHRISTOPHER )  
SCHAEPE, MARK SLAVEN, LEWIS )  
SOLOMON, HOWARD W. SPEAKS, )  
ARTHUR T. TAYLOR, DAVID )  
WOODROW, and ERNST & YOUNG, LLP, )

Defendants. )

CASE NO.: 3-06-CV-03936 MJJ

**CLASS ACTION**

**JOINT SUPPLEMENTAL CASE  
MANAGEMENT STATEMENT AND  
[PROPOSED] ORDER**

Date: November 27, 2007  
Time: 2:00 p.m.  
Courtroom: 11  
Judge: Hon. Martin J. Jenkins

1 Pursuant to Civil L. R. 16-10(d), the parties to the above-entitled action certify that they  
2 met and conferred at least 10 days prior to the subsequent case management conference  
3 scheduled in this case and jointly submit this Supplemental Case Management Statement and  
4 Proposed Order and request the Court to adopt it as a Supplemental Case Management Order in  
5 this case.

6 **I. DESCRIPTION OF SUBSEQUENT EVENTS**

7 The following progress or changes have occurred since the last case management  
8 statement filed by the parties:

- 9 • The parties have reached a settlement of this matter.
- 10 • The parties filed a Notice of Settlement in Principle and Joint Request to Take Motion  
11 to Dismiss Off-Calendar.

12  
13 **II. ADR**

14 The parties believe that ADR is unnecessary at this stage of the litigation as a settlement  
15 has been reached in this case.

16  
17 **III. SETTLEMENT APPROVAL CONFERENCE**

18 The parties jointly request the Court to make the following Supplemental Case  
19 Management Order:

- 20 • A preliminary approval conference for the settlement shall be set for a date in  
21 January, 2008, subject to the Court's schedule.

1 Dated: November 21, 2007

SAXENA WHITE P.A.  
MAYA SAXENA  
JOSEPH E. WHITE III

3 /s/

4 JOSEPH E. WHITE, III

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7 Counsel for Lead Plaintiff and the Class

9 Dated: November 21, 2007

BRAUN LAW GROUP, P.C.  
MICHAEL D. BRAUN

11 /s/

11 MICHAEL D. BRAUN

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15 Liaison Counsel for Plaintiff and the Class

16 Dated: November 21, 2007

LATHAM & WATKINS LLP  
PATRICK E. GIBBS  
JENNIE FOOTE FELDMAN

18 /s/

19 PATRICK E. GIBBS

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22 Counsel for Defendants

1 Dated: November 21, 2007

MORGAN, LEWIS & BOCKIUS LLP  
MICHAEL J. LAWSON  
SHEILA A. JAMBEKAR

3 /s/

4 SHEILA A. JAMBEKAR

5 One Market  
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9 Fax: 415/442-1001  
10 Counsel for Defendant Ernst & Young LLP

11 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), Patrick E. Gibbs hereby*  
12 *attests that concurrence in the filing of this document has been obtained.*

13  
14 **[PROPOSED] SUPPLEMENTAL CASE MANAGEMENT ORDER**

15 The Supplemental Case Management Statement and Proposed Order is hereby adopted  
16 by the Court as a Supplemental Case Management Order for the case and the parties are ordered  
17 to comply with this Order.

18 DATED: \_\_\_\_\_

19  
20 \_\_\_\_\_  
21 The Honorable Martin J. Jenkins